

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

February 13, 2015

These minutes were
approved by the Board on
April 17, 2015

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:30 a.m. in the Conference Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Kim Adams Johnson	-	Vice-Chairperson
	Brian Allison	-	Secretary
	Keli Hupka	-	Chairperson
	Adele Schmidt	-	Member
Others Present:	Ed Vierk, Assistant Attorney General		
	Russ Fosler, Investigator		
	Dennis Scott, Investigator		
	Duane Newland, Investigator		
	Kris Chiles, Program Manager, Licensure Unit		
	Peggy Pursell, Investigations Program Manager		

2. ADOPTION OF AGENDA

MOTION: Adams Johnson moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (12-5-14)

MOTION: Adams Johnson moved, seconded by Allison, to approve the minutes of December 5, 2014. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Schmidt moved, seconded by Adams Johnson, to enter into closed session at 9:31 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:05 a.m. - Fosler, Scott, Newland, Pursell departed meeting

MOTION: Adams Johnson moved, seconded by Allison, to enter into open session at 10:45 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:45 a.m. - Break

10:53 a.m. - Meeting resumed
4 public individuals entered meeting

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

Lucreita Wilcox

MOTION: Schmidt moved, seconded by Hupka, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Hanna Reichart

MOTION: Schmidt moved, seconded by Allison, to recommend offering a 1-year probationary massage therapist license, to include the standard terms and conditions and the following: no solo practice, body fluid screens, follow the evaluation, jurisprudence examination. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Cheyenne Wolfe

MOTION: Adams Johnson moved, seconded by Allison, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Chinese Prof Massage Therapy

MOTION: Adams Johnson moved, seconded by Allison, to recommend offering a 1-year probationary massage therapy establishment license, to include the standard terms and conditions and the following: jurisprudence examination, quarterly employee reports, no less than 2 establishment inspections. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

6. UNFINISHED BUSINESS

a. Continuing Discussion Relating to Higher Brain Living

Chiles reported that additional information had been received from Dr. Cotton with Higher Brain Living and was previously forwarded to the members. Adams Johnson said she pursued additional research from the website, and said information would support the Board position that it falls under massage therapy. She reported the website referred to touch by the facilitator in the right vector at the right time and that it refers to the technique as a touch process in a sequence. She also reported there was an interview with Dr. Cotton where he said that Higher Brain Living took advantage of the subtle energy pathways of the body using compression or stretching gently. Schmidt commented that their website referred to gentle touch that brings a surge of energy through the connective tissue which would then be soft tissue manipulation. Schmidt stated their facebook page had several videos and various facilitators talked about how the technique makes physiological changes in the body. Adams Johnson commented their website stated that each facilitator had property licenses and that they are independently responsible for identifying and complying with state or local business licensure requirements. Schmidt commented that the website shows about 125 facilitators with most in Minnesota, Colorado, California and Wisconsin and some of the states do regulate or require a massage license. Schmidt stated that when Dr. Cotton had met with the Board, he talked about other techniques that are used that are similar. Schmidt commented that if there was an issue and it came before the Board, that they would also be addressed. Schmidt commented that another concern was public safety which Dr. Cotton did discuss in his letter. Schmidt said public safety for her was if an individual were being trained to a level where they were competent to execute deep pressure, light touch or energy work, and the individual needs to have adequate training. She stated there was also the protection of the individual so they are having their session in a safe environment with hygiene measures.

MOTION: Schmidt moved, seconded by Adams Johnson, to stand by the Board position of August 15, 2014, that the Higher Brain Living Technique falls within the definition of massage therapy and requires licensure as a massage therapist. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

b. Discussion Relating to Considering Auditing Existing School Curriculums for Compliance with Regulations and Audit Format

Chiles suggested combining the discussion with 7a as they both relate to schools and curriculum. Chiles stated she was asked to change the regulatory operating requirements into a question format. Schmidt asked if the agenda items under 'New Business' 'Report Requirements' would be to make sure what is currently in regulations is what is included in the compliance document. Chiles responded the two went together because one is a requirement that schools have to report to the Department at the time of renewal, specifically whether there has been any changes in the curriculum and the other relates to ongoing compliance. Chiles stated the question becomes how detailed does that need to be and that schools need to be given some guidance.

Conversation included:

- Should instructor changes be included in renewal reports to the Department.
- Textbooks used was also suggested as well as method of delivery.
- Suggest providing some examples of what is considered a change of curriculum, however, it would not be possible to provide an inclusive list.
- The document should be viewed this as a tool to help schools to report.
- There was a question about what was the definition of curriculum. Did a curriculum change include if lesson plans changed.
- Identifying the document as a compliance audit sounded harsh.
- There was a question about the distinction between curriculum and method of delivery of curriculum. Chiles responded that currently curriculum was not defined in the regulations.

Schmidt stated that as a Board member she felt she had lost touch with what was going on in the schools and she suggested the compliance audit to address her concern. She said the schools were a tool to help monitor and address some of the bad behavior in the state and how are the schools teaching the components that are issues. Schmidt stated she cannot ask some of the questions she would like because they do not fall under the regulations.

11:19 a.m. - 1 public individual departed the meeting

The members discussed they liked the format but there was not yet any direction of what to fill out. Schmidt asked if they wanted the number of hours in anatomy and then what was covered. Chiles asked the members if they wanted to know the title of the course, the list of instructors, course descriptions, course objectives, textbooks, etc.; or was the intent of the document to show compliance with the regulations; or to be utilized as a random audit of selected required items.

Adams Johnson commented that she liked the random audit. She stated you could start with a random audit and if there was an issue, it could be pursued further. Schmidt suggested to start softer and get to know the school. Chiles asked what questions could be asked of the school that would be helpful when dealing with complaints and actions that result in disciplinary actions. Schmidt said she did not think the Board was doing its job if they did not get a report from the schools. Chiles responded that any information gathered has to relate to the regulation requirements. A school representative in the room commented that she thought there was some reporting and that she would look forward to working closer with the Board. Chiles commented she did not feel the Board was coming to any conclusion about this compliance document and suggested setting aside a separate meeting to discuss the specifics further. The members agreed to do a work session on March 27, 2015. It was also suggested that an optional survey might be developed that schools could elect to complete or not.

c. Other

There was no other information to report.

11:37 a.m. - Vierk departed meeting

7. NEW BUSINESS

a. School Curriculum Report Requirements (172 NAC 83-004.03 #10)

This was combined with item 6b above.

b. Correspondence

There was no correspondence to report.

c. Confirmation of Method for Noticing Meetings

Chiles stated that in accordance with the Nebraska Open Meetings Act, Section 84-1411, each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes.

Chiles reported the Department currently posts meeting notices on the Department's website and the Department bulletin board.

MOTION: Allison moved, seconded by Schmidt, to continue with current method for noticing meetings. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

d. Other

There was no other information to report.

8. UPDATES AND REPORTS

a. Nebraska Chapter of AMTA

Dennis Jenkins is the new AMTA president.

b. Federation of State Massage Therapy Boards (FSMTB)

There was no new information from FSMTB to report.

c. National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

There was no new information from NCBTMB to report.

d. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information

Chiles provided a listing of the current schools.

Chiles reported the following regarding active licenses:

- Temporary Massage Therapist 3
- Massage Establishments 575
- Massage Therapists 1431

Chiles reported the following disciplinary actions since the December meeting:

- 1 individual suspended
- 1 probation
- 2 non-disciplinary assurance of compliance

e. Other

There was no other information to report.

9. ADJOURNMENT

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at 1:35 p.m.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator